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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,060	06/28/2003	Tong Zhang	BP 2859	6862

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GARLICK HARRISON & MARKISON LLP  
P.O. BOX 160727  
AUSTIN, TX 78716-0727

EXAMINER
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HUYNH, KIM NGOC

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/609,060

Applicant(s)

ZHANG ET AL.

Examiner

Kim Huynh

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/27/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The cancellation of claims 1-1- is acknowledged; claims 1-24 are pending.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13-14 and 20-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13-14 and 20-21 contain the trademark/trade name Bluetooth and USB operating/interface standard. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. The trademark/trade name or the so-called standard/specification are subject to modifications by their owners and do not have fixed meaning; therefore the metes and bounds of the claims are claims indefinite.

Correction/clarification required.

The following rejections are made based on the examiner's best interpretation of the claims in light of the 35 USC 112 rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11, 15, 17-18, 22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by in view of Junod et al. (US 5,854,621).

Claims 11 and 18, Junode discloses computer system having a host computer 30, at least one wireless user input device 10, and a host side wireless interface 20 (Fig 6). The host side wireless interface 20 having a host interface 610, a processing unit 600, a non-volatile memory 620 and wireless network interface 640-700 for interfacing with one of the wireless input device; wherein during the configuration operation, configuration information corresponding to the wireless user input is stored in the non-volatile memory (col. 7, l. 31 to col. 8, l. 28, col. 9, ll. 12-15) and also transferred to the host computer via the host interface (col. 9, ll. 15-25), wherein during subsequent boot mode operations, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device (col. 9, ll. 24-26).

Claims 15 and 22, Junod discloses the wireless input device including one of wireless mouse, keyboard or game controller (col. 2, ll. 6-22).

Claims 17 and 24, Junod discloses the information includes at least an address and a link key (col. 8, ll. 2-18).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-24 are rejected under 35 U.S.C. 103(a) as being obvious over Lazzarotto et al. (US 6,782,245) in view of Junod.

Claims 11 and 18, Lazzarotto discloses host side wireless interface 600b (Fig. 6) for servicing a computer system having a host computer (not shown) and at least one wireless user input device 608 a-n, the host side wireless interface 600b includes a host side interface 610, a processor unit MPU 606. The host side wireless interface having a host interface also includes a non-volatile memory EEPROM (see Fig. 8B) and wireless network interface 805 (Fig. 8A) for interfacing with one of the wireless input device; wherein during the configuration operation, configuration information corresponding to the wireless user input is stored in the non-volatile memory (col. 7, l. 31 to col. 8, l. 28 and col. 9, ll. 12-15) and also transferred to the host computer via the host interface (col. 9, ll. 15-25), wherein during subsequent boot mode operations, the configuration

information is retrieved from the non-volatile memory and used in servicing the user input device (col. 9, ll. 24-26). Lazzarotto does not disclose the configuration information corresponding to the wireless user input is stored in the non-volatile memory and also transferred to the host computer via the host interface wherein during subsequent boot mode operations, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device.

Junod discloses a system for configuring a communication with a wireless peripheral device wherein during the configuration operation, configuration information corresponding to the wireless user input is stored in the non-volatile memory (col. 8, ll. 24-28, col. 9, ll. 12-15) and also transferred to the host computer via the host interface (col. 9, ll. 15-25), wherein during subsequent boot mode operations, the configuration information is retrieved from the non-volatile memory and used in servicing the user input device (col. 9, ll. 24-26).

It would have been obvious to one having ordinary skill in the art combine the operating protocol of Junod in the system of Lazzarotto in order to communicate with the wireless input devices since Lazzarotto discloses his apparatus using a communication protocol as disclosed by Junod (US Pat 5,881,336) in order to permit multiple wireless device to communicate with the host system simultaneously using USB to maximize expandability and simplify the connection to the host device (Lazzarotto, col. 2, ll. 28-38 and col. 5, ll. 23-25).

Claims 13-15 and 20-22, Lazzarotto discloses the host interface is based on USB interface standard (col. 13, ll. 25-31) and host side wireless interface operates based on

Bluetooth operating standard (col. 12, ll. 60-63) and the wireless input device including one of wireless mouse, keyboard or game controller (abstract).

Claims 12, 16, 19 and 23, Lazzarotto discloses the wireless input devices 608 communicate with the host side wireless interface via Bluetooth operating standard, therefore the priority given to the wireless input device is based upon the Remote Name Request (BD\_ADDR or AM\_ADDR or Class of Device Indication, a generic description of the wireless device) due to the parameters used in the authentication and communication of the host controller interface (HCI) of the Bluetooth technology. According to the Bluetooth specification, each Bluetooth device is given a remote address (BD\_ADDR) and each slave device is assigned an active address (AM\_ADDR) when a piconet is formed in order to provide priority within the same piconet or if the AM-ADDR to avoid unauthorized tampering and packet modifying.

Claims 15 and 22, Lazzarotto discloses the wireless input device including one of wireless mouse, keyboard or game controller (abstract).

Claims 17 and 24, the information includes at least an address and a link key (Junod, (col. 8, ll. 2-18).

### ***Response to Arguments***

Applicant's arguments filed 6/27/05 have been fully considered but they are not persuasive.

a. As for the argument against the 35 USC 112 second paragraph that Bluetooth is not a trademark, applicant is suggested to refer to the background of Green (US

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6,519,290) submitted herein wherein Green explicitly recites in column 1, lines 23-26

that **Bluetooth is a trademark of Telefonakiebolaget LM Ericson, Stockholm,**

**Sweden.** *It is unclear how applicant can argue otherwise.* These standard and/or

specification are subject to modifications by their owners and do not have fixed

meaning; therefore the metes and bounds of the claims are claims indefinite.

Furthermore, the recitation “**at least one or more versions**” (emphasis added) of

Bluetooth and USB operating/interface standard further renders the claim indefinite

since it is unclear since the technical details each version is continually changing.

Applicant further argues that the specification of Bluetooth and USB

standard/specification are defined by the hyperlinks identified in page 7 of the remarks.

It is unclear if applicant intends to incorporate by reference the contents of these

hyperlinks. Please note such incorporation is improper (**See MPEP § 608.01(p)**).

b. As for the argument that Junod does not teach the “during the configuration operations, configuration information is also transferred to the host computer via the host interface” citing that the “*appropriate signals*” are control signals because *there is a lack of discussion in communicating between the host interface 20 and the host computer 30*. The examiner disagrees with this argument for the following reasons:

1) Junod discloses implement a host adapter 20 to filter out the stray RF peripheral operations allowing the use to use the same receiver for various peripheral devices to operate with a host device 30 (col. 2, ll. 42-56 and col. 9, ll. 39-58) through a suitable communication protocol (col. 4, ll. 12-27) using radio frequencies (RF) transmission (col. 5, ll. 34-53). CPU 600 of the host interface 20 analyzes received data

reports containing correct peripheral identification code (ID code) and storing it in an EEPROM 620 of the host interface for subsequence use and provides appropriate signals to the host computer 30. Configuration information is the status/data reports from the wireless peripheral which contains the ID code extracted by the CPU 600 and the appropriate signals for determining the appropriate frequency via the chosen FR channel (col. 8, ll. 19-23) to communicate with the host computer 30, the correct frequency and power level (col. 8, ll. 24-38) and the "appropriate signals" sends to the host (status/data reports using appropriate interface and frequency).

In the broadest reasonable interpretation consistent with the specification given to the limitation "during configuration operations", the signals sent to the host computer 30 utilizing appropriate frequency and interface, power supply level and mode of communication (serial or PS/2) based upon the appropriate ID code of the peripheral device is also part of the configuration operations, i.e. during the configuration operations.

2) Furthermore, the lack of discussion of the communication between the host interface and the host computer would be apparent to one having ordinary skill in the art that other than setting out to resolve the problem of enabling the communication of a plurality of wireless peripheral devices to a host computer that does not require alignment and is not sensitive to obstacles in the line of sight path between the host and the peripherals (col. 3, ll. 31-54), the computer system of Junod would perform the configuration/enumeration process of the BIOS in conventional manner during power up (POST). The POST operation is notoriously well known in the computer art and also

fully supported by applicant's admission of typical bootstrap of host computer in page 2. The host system will not be able to perform its enumeration/configuration process without having the configuration information (peripheral device information) sent to the host during configuration. The system of Junod enables the communication of a wireless peripheral device with the host system without the need of having a wired peripheral device during the initialization of the system.

### ***Conclusion***

**ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Huynh whose telephone number is (571) 272-4147.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KH  
8/24/05



**KIM HUYNH**  
**PRIMARY EXAMINER**